

POLICY IN INTERNATIONAL STUDIES

Passports, Mobility, and Security: How smart can the border be?

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After September 11, 2001, a great deal of public and policy attention has been devoted to border security, passports, and the global mobility regime. This article examines the context of the global regulation of movement of individuals and the evolution of the passport in particular. It then examines the current American border security architecture. The creation of the Homeland Security Department reflects a sea-change in the view of the border, and these new policies are evaluated in regard to three cases: the U.S./Canada border, the document/examination policies at the American borders, and the European Schengen mobility regime.

Keywords: passport, global mobility regime, Homeland Security

Introduction

The attacks of 9/11 and the recent creation of the Homeland Security Department have caused dramatic changes in the American passport and border security regime. The use of fraudulent identity and travel documents has been seen as a major contributor to the cascade failure in the national security regime of the United States of America. All of the terrorists had been admitted by the U.S. customs and immigration officials and the Bush administration aims to reform its border security regime in order to fix the problem of leaky borders. In a drastic reconfiguration of the American governmental landscape, insecurity is now seen as something “in here” as well as “out there.”

To understand the context of recent changes, and to evaluate the prospects for new policies, this article glosses the history of the global passport and mobility regime. First, we examine the contemporary policy environment regarding immigration, visa requirements, entry–exit registration programs, and new passport documents. Second, we suggest parallels to three failed border security policies: the Schengen agreement in Europe, the Canadian policy for the determination of identity, and the American examination policy that led to the entry of the 9/11 terrorists. Finally, we point to three challenges that will shape any durable solution: police cooperation, examination and registration, and finally, new passport technologies. In sum, we argue that: the U.S. government does not want to close the border, but rather make the border function more discerning; there are no examples of state policies that can achieve this goal perfectly; the passport plays a crucial but limited role in this process.

The International Passport Regime

The problem of borders is a result of two powerful governmental desires: security and mobility. Every individual has a human right to mobility. The benefits of mobility are simply: trade and tourism, culture and diversity, diplomacy and information intercourse. Exceptions to the freedom of movement norm are described in the European Convention on Establishment and the United Nations Covenant on Civil and Political Rights: “national security, public order, public health or morality” (Turack, 1972:3–4). The dangers of mobility can be described as vectors of threat: security and crime, political and cultural difference, health and disease. Autarky is as unfeasible a foreign policy as completely open borders. The state has pressing governmental incentives to define, police, and protect its borders. The definition of state borders takes place at the physical limits of the state, and also at internal points of entry—such as airports, sea-ports, and railway stations. The policing function can be described as discriminating between desirable and undesirable travelers. The protection of states can be described as maintaining the bureaucratic and physical power to exclude dangerous travelers. The passport is part of a complex of policies that help define the national population and help protect and police state borders (Torpey, 2001). We use the passport as an entrance to this border security complex of policies precisely because the passport serves as the primary document of national identification. It is one of our core arguments that the passport serves as a modern heuristic device which serves to link individuals to foreign policy, and according to which government agents classify travelers as safe or dangerous, desirable or undesirable, according to national, social, and political narratives. The distinction between desirable/undesirable and safe/dangerous or low-risk/high-risk is linked to the status of the visitor: permanent migrants or settlers are categorized according to desirability; temporary visitors are categorized according to risk.¹

At its core, the passport is a request by one sovereign to another sovereign to aid and protect a nationally identified bearer. While initially designed to signify the sovereign’s dominance over the space and population he claimed as his own, the passport has emerged as a vital instrument of individual international mobility. The passport is the primary document by which mobile individuals are identified, tracked, and regulated. The passport is intended to uniquely identify each individual traveler, indicate his point of origin, and the state to which he can be deported (Salter, 2003).

In its present incarnation, the passport is primarily a document of identification certifying the identity of the bearer with regard to other official documents and certifying the international legal status of the bearer (refugee, citizen, government employee, or diplomat). The passport informs the admitting country who the bearer is and where he or she can be expelled to, but provides little other essential information. The unique identity of the individual is illustrated by a unique face and linked to a unique passport number.

The standards promulgated for the current international passport regime were formulated and are promulgated by the International Civil Aviation Organization (ICAO). It remains a puzzle as to why the passport regime remains governed by the ICAO, rather than by a purpose-built organization or specific legal instrument. Interestingly, an international passport conference was never held, as there was with the Law of the Sea or the Law of Space. The primary norms of the contemporary passport are:

1. One person per passport,
2. Biometric information (face, eyes, voice, hand, fingers, signature) should allow identification of the bearer,

¹We would like to thank an anonymous reviewer for *ISP* who encouraged us to articulate this difference.

3. Similar global format: name, nationality, date of birth, place of birth, signature, security features, space for visas, permits, and so on (International Civil Aviation Organization, 2001a).

The ICAO is currently revising Document 9303, which describes the international standards for passports, but there are no substantive changes in the basic form or structure. The passport's primary function is to "[denote] a person's identity and citizenship and provides an assurance for the State of transit or destination that the bearer can return to the State which issued the passport" (International Civil Aviation Organization, 2001b). The passport does not guarantee citizenship, but generally describes the citizenship status of the bearer as a citizen, employee of the government on official business, or a refugee.

Torpey (2000) argues powerfully that the imposition of citizenship and a unique identity is a vital aspect of the modern state (93). Following what Noiriél terms "the tyranny of the national," passports are part of national governments technology of codification and surveillance. Passports are on the front lines of defining and defending national citizenship, and privilege national belonging as desirable (Soguk, 1999).

The passport must be both replicable in form so that it may be recognized globally, and also unique in signifying one and only one individual. Thus, several general characteristics can be described. The outside cover of the passport is made of durable material, on which is embossed or printed the name of the bearer's country, a national seal, crest, or coat of arms, and the word passport (always in the national language, and in one of English, French, or Spanish). The inside cover has a written request by a representative of the sovereign asking on the behalf of his or her sovereign to allow the national to pass through the territory of another sovereign. This form reinforces the dual norms of sovereign equality and noninterference (the requesting state requests entry, but implies that the bearer will obey national laws and that the requesting sovereign's power of interference is severely circumscribed). There is a page on which a photo is affixed and personal information provided, including name, date and place of birth, and validity of passport. The passport then always contains space for visas and other special notices. Often, passports state that the document is the property of the government, and must be returned on demand. This has been a contentious issue in American jurisprudence during the Cold War when passports were not issued to prominent Communists and others (Higgins and Leps, 1998). Due to several trials during the Cold War, however, the American Passport Office and the Secretary of State have had their issuance of passports linked to liberties guaranteed in the Bill of Rights (Rogers, 1985:503). Because a passport is required for travel, and travel is a right (though not specifically guaranteed, it is viewed as an essential part of the freedom to expression), the government may not deny a passport without due process and sufficient cause. National security concerns are seen as trumping individual freedom in such cases.

The passport is supplemented by the visa system, by which a country may vet potential travelers before they arrive at the border (Bo, 1998; Wang, 2002). The visa allows a sovereign to exercise control over entrants to a country before they arrive at the border. This system is administered in part by transportation companies, who are financially responsible for repatriating travelers who fail border inspection. Visa applications, however, often take the passport for granted and concentrate on the bearer's purpose of visit. A further issue is the current trend toward visa-free travel, which we will examine more specifically in the European instance. The danger posed by visa-free travel has been pointed out by the Office of the Inspector General (1999, 2001) in specific regard to the American Visa-Waiver Program (VWP). The VWP was an attempt to facilitate travel between the United

States and a number of developed partners.² Smith suggests that “more than 100,000 passports of countries in the Visa-Waiver Program have been stolen and are in circulation” (2001:43). Visas are usually placed in an entrant’s passport indicating that they have visited or applied to a consul or embassy and meet the *prima facie* requirements for entry. Visas are indications of “up-stream” investigation by the receiving country—but they do not guarantee entry into a country, which is only decided at the border. Visa requirements for travelers to America have changed radically since 9/11, which we discuss later.

Security features of the passport include the encoded information at the bottom of the first page of the passport, holograms, and digitized photos. Biometrics, or the measuring of the body, is seen as a central technology for the unique identification of individuals to avoid undesirable travelers using passports that are not their own. Because every face, fingerprint, hand geometry, and retina pattern is unique, the inscription of this information on the passport helps in the unique identification of the bearer. The precise biometric information conveyed on each national passport is different, although the ICAO released guidelines to standardize this practice in May 2003. The machine-readable passport (MRP) was introduced by the ICAO in 1985, and allowed governments to quickly correlate the unique identity of the individual with other records (Abeyratne, 1992). With this system, each passport contains machine-readable information as to the national origin, name, and the passport number associated with the passport. The MRP has been widely adopted by developed countries, but many developing countries have not yet implemented the system. The United States now requires all members of its Visa-Waiver Program to issue MRPs, and exchange information about missing and stolen passports. In the American examination process, the MRP is scanned, and that number/identity is checked against known lost or stolen passports as well as the identity of known “dangerous” travelers (criminals, terrorists, and individuals who are already known to the Immigration and Naturalization Service [INS] bureaucracy). For bureaucratic security purposes, each unique individual becomes associated with a unique number for corroboration of information across databases. The American system of passport issuance entails a system of examination by a government official that correlates the documentary trace of the individual to the passport.

Since many terrorists, criminals, or illegals are not specifically or precisely known, INS agents at the border often make use of interpretive heuristics: in other words, they look for individuals who fit a particular profile or belong to a particular population (Gilboy, 1995). As Bigo (1999) argues, border policing has moved “from the control of and hunt for individual criminals [...] to the surveillance of so-called risk groups, defined by using criminology and statistics”(70). The primary examination of an INS agent, which generally takes between 30 to 120 seconds, categorizes the traveler as “low-risk” or questionable. If the latter, a more experienced officer then carries out a secondary examination, which entails a much more careful examination of a number of information databases and a close questioning of the subject. The examination procedure has come under scrutiny since it was revealed that the pilots for both of the planes that were crashed into the World Trade Center towers on 9/11 were subject to a secondary examination.

A significant weakness in this system of identification and documentation is the presence of fraudulent documents. As Davis reports, “A significant percentage of U.S. passports are obtained by fraudulent application, alteration, or counterfeiting” (1998:11). Blank passports are especially worrisome, as they are authentic documents waiting to be completed by the insertion of personal information and

²Current VWP member countries are: Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom.

photos. By corroborating the passport, visa, and examination, customs and INS officials aim to provide an integrated border security network.

The modern passport regime is understudied, and offers an excellent opportunity for meaningful research. It is a sector of public and international policy that has a significant impact on national security, but often operates under the radar of international relations scholars. In our research, we have borrowed liberally from human geography, sociology, and public administration to supplement our own disciplinary material. The border security regime, and its components the passport, the visa, and the examination, have come under close scrutiny since the 9/11 attacks. In examining the contemporary policy environment, we cannot help but note the attempt of the U.S. government both to provide real solutions to the problems of mobility and to illustrate publicly that action is being taken.

Current Policy Environment

Historically, Americans have only sporadically been required to use a passport for exit and entry into the United States (although traditionally all other visitors have been required to present a passport). In 1918 and again 1941, Congress allowed the president to proclaim travel restrictions, which would then make it illegal to enter or leave the U.S. “without a valid passport” (Rogers, 1985:499). At present, all entrants to the United States must be able to prove their citizenship, for which the passport is simply the most convenient and expedient document. American passports may be obtained through the Department of State, or by proxy through authorized private passport agencies. Other documents exist that stand in for the passport, including five million Border Crossing Cards (BCCs) issued for the U.S.–Mexico border or the INSPASS/CANPASS stickers affixed to cars crossing the Canada–U.S. border.³ However, these documents are generally similar in function, if not in form, to the passport. These measures are of course supplemented by the military/policing aspect of the border, of which Andreas provides the best analysis (2000). We have identified three bureaucratic pillars of the American border security regime as the passport, the visa, and the examination.

As the White House reports, “Each year, more than 500 million people are admitted into the United States, of which 330 million are non-citizens. On land, 11.2 million trucks and 2.2 million rail cars cross into the United States” (2002).⁴ Over the past six years, the Department of State has issued an average of 6.5 million passports per year (2002a). Roughly 20 percent of Americans hold valid passports. These figures certainly illustrate a huge bureaucratic challenge: nearly twice the population of the entire United States crosses the border. In addition to this vast movement of people, America’s economy depends on the facilitation of international trade, especially with its immediate neighbors, Canada and Mexico (Hufbauer and Vega-Cánovas, 2003).

Failure to stop the 9/11 terrorists at the U.S. border is seen as being the catalyst responsible for the cascade failure of the national security architecture. Flynn argues, “the existing border-management architecture provides no credible means for denying foreign terrorists and their weapons entry into the United States” (2002:62). As part of the Bush administration’s “war on terror,” the American border security regime is being seriously reformed. This entails a huge budget increase, in the area of a \$2.2B from FY 2002 to FY 2003, and three major policy initiatives: a set of new policies that coordinate Homeland Security, a distancing of the discriminating and policing function away from the actual site of the

³In many cases, these programs have been curtailed or changed substantially since 9/11. It remains unclear how the new Department of Homeland Security will accommodate these programs under its new mandate. BCCs allow exclusively for visits of 72 hours within 25 miles of the border.

⁴To clarify, the U.S. administration counts each crossing, not unique individual.

international border, and a shift from an examination regime to a surveillance regime. In each of these cases, the administration is attempting to solve the problem of individual dangerous travelers without making the border impassable. The government aims to make the border smarter: “[The Homeland Security Department] will create a “border of the future” that will be a continuum framed by land, sea, and air dimensions, where a layered management system gives greater visibility of vehicles, people, and goods coming and departing from our country” (Office of Homeland Security, 2002:22).

Since the end of the Cold War, there has been less emphasis on the border as the limit of physical state security. Some scholars went so far as to suggest the emergence of a borderless world (Ohmae, 1999). Government policies had been primarily oriented toward economic threats in terms of illegal migrants, free trade, and illegal goods (such as drugs or other contraband). Thus, the North American Free Trade Agreement (NAFTA) was seen by the United States as a strategic alliance between regional partners that would solve the problem of illegal immigration by ensuring greater cross-border cooperation and, more importantly, by developing the Mexican economy to remove the reasons for illegal immigration. However, the American economy benefits from illegal immigration. Kearney argues that while the border patrol is increasing its activities, workplace investigations by the INS are infrequent. This functions to make crossing the border risky, but ultimately beneficial. He summarizes that “the surveillance activities of the Border Patrol are not intended to prevent [the] entry [of illegal immigrants] into the United States to work, but instead are part of a number of ways of disciplining them to work hard and to accept low wages” (1991:61). Just as the government responded to anti-illegal immigrant public opinion by increasing border patrol activity (Andreas, 2000), it has responded in a similarly visible and public way regarding antiterrorist public opinion. In addition to sealing the American borders briefly after the terrorist attacks, the U.S. government has implemented several new policies.

The creation of the Department of Homeland Security shows serious governmental attention to the previously fragmented agencies concerned with domestic national security. New policies attempt to “delocalize” the border, by which we mean that the border function is disaggregated from the border itself (Bigo, 2002:77). This is strengthened by the Enhanced Border Security and Visa Reform Act of 2002 (EBSVRA). The identification and policing functions of the border now take place before the traveler arrives, at the border, and even after the traveler arrives on American soil. Following this delocalization, we identify a shift in the mode of governmental policing: from examination of travelers to the surveillance of the general mobile population.

Homeland Security

One of the most significant recent changes in the American policy landscape is the new federal Department of Homeland Security. The Homeland Security Bill has passed Congress and the House of Representatives. The Homeland Security Department is tasked with creating a coordinated, interoperable database that different federal agencies may access, developing emergency preparedness, and chemical, biological, radiological, nuclear countermeasures. The Bush administration has already implemented several policies that move toward the goal of a “smart border.” On March 1, 2003, the Border and Transportation Security Division of Homeland Security assumed responsibility for America’s borders and ports of entry. At this point, we will examine the current implementation of new passport technologies, intra-agency communication, and the National Security Entry–Exit Registration System.

To increase the security of the American passport document itself, several new security features have been added. From the point of view of the State Department,

the most important feature is a new digitized image that replaces the traditional passport mug shot, which was laminated in place. The passport document is consequently linked more securely to the face it represents. An unexpected consequence of this change in imaging technology has been that American passports can no longer be issued outside of the United States (Reeker, 2002). This leads to some American citizens being temporarily without any physical proof of nationality while in a foreign country. It should be noted that all of the 9/11 terrorists entered on valid passports issued from their own national governments. Abdullah Al Muhajir, the “dirty bomber” born Jose Padilla, and Richard Reid, the “shoe bomber,” also carried valid passports from their governments. While passport fraud certainly undermines the general integrity of the system, there is no evidence that altered American passports have ever been used successfully by terrorists in circumventing the border security regime. In most cases, terrorists have relied on the lack of intelligence as to their associations and intentions. Intelligence is the key weakness in this system. A number of scholars fear that the price of increased intelligence, the way it is being framed by the Bush administration, is decreased freedom. The political logic of the Terrorist Information Awareness program, scaled back from the totalitarian-sounding Total Information Awareness proposal, counts national security as trumping individual rights to privacy and mobility. We will address this issue in the conclusion.

The State Department has also developed a new tamper-resistant “Lincoln visa” (Powell, 2002). Few details are available about the characteristics of this visa—it is machine-readable, using the same technology as the MRP and includes a laminated page in the main body of the passport. As the physical imprint of the visa is now indelible, the Consolidated Consular Database transmits biometric information, including a digitized image, so that the government agent may compare the individual who applied for the visa offshore to the bearer of the visa in front of her (Greene, 2002). Thus, the passport and visa are made more tamper-resistant and the examination process made more stringent.

The EBSVRA mandated the greater integration of information sources by security agencies. Part of the failure of the pre-9/11 national security architecture was the failure of government agencies to communicate pertinent information to each other (and even internally). Two of the 9/11 hijackers had been identified by the CIA as Al-Qaeda members from a meeting in Malaysia, but were not investigated by the FBI (Guggenheim, 2002). Homeland Security is tasked with integrating all of its different databases into one system, which it has termed Chimera.⁵

The National Security Entry–Exit Registration System [NSEERS] was implemented on September 11, 2002, and superseded by the U.S. Visitor and Immigrant Status Indication Technology system (US-VISIT). Acting under the mandate of the USA Patriot Act, the Homeland Security Department expanded its examination procedure for certain groups of “high-risk” travelers. At first, “The fingerprints of a small percentage of entering foreign visitors will be matched against a database of known criminals and a database of known terrorists. These visitors will be selected according to intelligence criteria reflecting patterns of terrorist organizations’ activity” (Ashcroft, 2002a). By using national categories of risk, individual travelers are linked to foreign policy—and foreign policy is linked to domestic borders. Initially, the high-risk countries included: Iran, Iraq, Libya, Sudan, Syria, and Yemen. Under the US-VISIT program, this list has been extended to include some nationals of: (Class 4) Bangladesh, Egypt, Indonesia, Jordan, or Kuwait; (Class 3)

⁵Differing definitions of chimera lead to some unintended puns. Merriam Webster Dictionary: **1 a** *capitalized* : a fire-breathing she-monster in Greek mythology having a lion’s head, a goat’s body, and a serpent’s tail **b** : an imaginary monster compounded of incongruous parts; **2** : an illusion or fabrication of the mind; *especially* : an unrealizable dream; **3** : an individual, organ, or part consisting of tissues of diverse genetic constitution.

Pakistan, Saudi Arabia; (Class 2) Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates, and Yemen.⁶ In each of these cases, special attention is given to men born before 1987, or those who have already traveled to the United States. The BCIS (Bureau of Citizenship and Immigration Services, the successor to the INS) officials also have the discretionary power to require other individuals to be subject to this same program. At the border, these dangerous nationals are fingerprinted, photographed, and given an extensive examination as to the purpose of their visit. These individuals are also required to register any change in their address, place of work, or purpose of visit. The US-VISIT system expands this examination to all travelers to the United States with rollout over the next two years.⁷

While the INS has always associated national security concerns with foreign nationals seeking entry (Gilboy, 1991:583–590), the Homeland Security Department reflects a reorientation of the American strategic imagination. In the post-Cold War era, State Department officials have spoken of rogue states, pivotal states, and the clash of civilizations. The “war on terror” is fundamentally different from these externally oriented threats, which chiefly relied on the Westphalian conception of states. As Bush and Powell have reiterated, the threat is no longer simply “out there,” but also “in here.” Against individual terrorists or terrorist groups, the might of the American military machine is largely ineffective. Furthermore, the intelligence-gathering abilities of the U.S. government have been shown to be lacking. Without adequate deterrence or intelligence, a new kind of solution to this internal insecurity has been identified in surveillance.

From Examination to Surveillance

At the border, all visitors, including Americans, have a greatly circumscribed set of rights. Border officials have wide powers of search, seizure, detention, and of course, the ability to exclude travelers from the country. Once admitted into the country, however, one’s rights, including the right to due process, come into effect. Under this system, the intense application of state power through the examination at the border substitutes for wider police powers of surveillance once inside American territory. Simply, an examination at the border cannot deter or detect a motivated criminal. Limits in intelligence-gathering and information-sharing will inevitably lead to the admission of more terrorists. The openness on which America prides itself proves to be a weakness in terms of terrorist activities. Thus, controls have been tightened at the border and the surveillance of “high-risk” nationals will be extended domestically. Because the examination of the 9/11 terrorists failed, the Homeland Security Department and other federal law enforcement agencies aim to continue the surveillance of “high-risk” individuals within American territory. The transition from “undesirable” visitors to “high-risk” marks a significant shift in discourse. The exclusion of undesirable visitors indicates knowledge of the individual, if only as undesirable. However, defining individuals as “high-risk” indicates a lack of precise knowledge, suggesting only suspicions based on statistics, sociology, and narratives. As the government defines individuals as “high-risk,” it encourages a cycle of insecurity that leads to the increase of police powers and bureaucratic structures of control. Bigo (2002) has made this argument in the European context, but we believe that it can be extended to the post-9/11 American context also. For example, after the capture of Abdullah Al Muhajir (born Jose Padilla), Attorney General John Ashcroft said, “Al Qaeda officials knew that as a citizen of the United States holding a valid U.S. passport, Al Muhajir would be able

⁶Information available at <http://www.immigration.gov/graphics/shared/lawenfor/specialreg/index.htm#callgroup4>.

⁷Information available at <http://www.dhs.gov/dhspublic/display?theme=9&content=1060>.

to travel freely in the U.S. without drawing attention to himself” (2002b). Al Muhajir was “high-risk” precisely because of his mobility, not because of something that had been proven in court. Ashcroft petitioned to have Al Muhajir declared an enemy combatant, leading to a severe circumscription of his rights, which would normally be unconceivable.

Whereas previous border security regimes focused on the actual examination between the agent of the government and the traveler, the surveillance regime aims to make the agents of the government present but invisible so that travelers police themselves. By surveillance we invoke the work of Foucault who describes an architecture of power and authority by which individuals come to police themselves in addition to being policed from outside (1977:189).⁸ This surveillance strategy operates most efficiently when “surveillance is permanent in its effects, even if it is discontinuous in its action [consequently] the perfection of power should tend to render its actual exercise unnecessary” (Foucault, 1977:201). The topography of these surveillance strategies have been studied productively by Lyon (2001, 2003) and Bigo. This surveillance system applies to the border security regime, and in the case of the US-VISIT, to the entire mobile population of border-crossers.

In addition to an extended examination at the border, the US-VISIT special registration program continues the work of domestic monitoring of high-risk visitors. Aliens are initially fingerprinted and photographed at the border. They must report any change in their employment, schooling, or residence details to the government within ten days, and must also report in person to an BCIS official after one month and one year, where they are interviewed and are compared to the records of their fingerprints and photograph, after which their are also recorded. The function of the program is to define, regulate, and identify foreign visitors in the country. While the extended examination strengthens the discernment functions of the contemporary border regime, the collection and verification of biometric information and residence details indicate a shift in the mode of policing from examination to surveillance.

This surveillance regime imitates the 1994 Californian Proposition 187 that required all state employees to act as de facto immigration inspectors and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that offered a mechanism by which anyone could report illegal immigrants or their employers. The proposed Terrorist Information and Prevention System (TIPS) creates a national neighborhood watch program. Through a toll-free telephone number American transportation workers, truckers, letter carriers, train conductors, ship captains, utility employees, and other members of the USA Citizen Corps may identify suspected terrorists, who will then be questioned by authorities.

Tom Ridge, the head of Homeland Security, has also launched a public awareness campaign. The *Citizens' Preparedness Guide* encourages every citizen to be “vigilant” toward suspicious individuals, packages, and situations. The guide enlists all 280 million Americans into the war on terror. For example, Shiels reported programs that trained airline passengers to restrain hijackers (2002); and *USA Today* ran a feature “Here’s what to do if you’re hijacked,” in which an expert on terrorist attacks suggested: “You want to take a good look at who’s getting on board. Do your own screening and profiling. You want to look into their eyes. You can tell a lot about people by looking in their eyes. Are they shifty? Are they nervous?” (Sloan, 2002). This is epitomized in the campaign slogan: “Don’t be afraid, be ready.”⁹ We would

⁸Readers will be familiar with Foucault’s reading of the panopticon, by which prisoners come to police themselves due to the architectural structure of the prison itself. This configuration of visibility/power is evident in the one-way mirrors and closed circuit TV systems at international borders.

⁹While outside the bounds of this particular article, the framing of this campaign could be a fruitful site of research. There are a number of parallels to David Campbell’s rightly famous analysis of Bush’s war on drugs in *Writing Security* (1998) that could be made. See <http://www.ready.gov>.

argue that the campaign in fact urges citizens to be afraid in an “economy of danger.” Simply put, buying duct tape and extra water does not attack the roots of global terrorism—rather it places American citizens in the position of continuous threat against which they can only be ready to victims. The primary functions of this public campaign are to distract the populace from the external war on terror (which seems unable to reach its goals—witness the absence of Saddam Hussein or Osama bin Laden) and to enlist the populace’s help in policing the national population. Reinforcing the notion that all citizens are watching each other leads each individual to attempt to appear as “normal” as possible. Examination has been supplanted by a surveillance regime, in which every citizen is both watched and a watcher.

Delocalizing the Border

In addition to the deepening of border examination at the physical limits of America and increasing surveillance of high-risk nationals within the territory of America, several new programs attempt to make “up-stream” surveillance more rigorous. These policies, which especially relate to the visa and passport system, affect visitors before they arrive on American soil. This delocalization of the border is necessary because the border exists not only at the physical limits of the state, but also at the points of entry/exit to the state such as airports, ports, and train stations (Flynn, 2002). The border is not just a line, but a network of POE (ports of entry) that accommodate the global transportation grid. It is better to speak of the “border function” than of lines in the sand.

The Enhanced Border Security and Visa Reform Act of 2002 (EBSVRA) was passed by Congress in March 2002 to increase the security of the American border. In addition to more funding for the Border Patrol, specifically targeting the Northern border, the EBSVRA modifies the Visa-Waiver Program to make machine-readable passports mandatory and attempts to increase information exchange between states and governmental agencies.¹⁰ The majority of its provisions relate to increasing security at the border, however, the EBSVRA also expands the US-VISIT program to the visa system. Nationals from identified terrorist sponsoring countries, for example, North Korea, Cuba, Syria, Sudan, Iran, Iraq, and Libya, are interviewed by an officer and fill out an additional form. Some of the additional information DS-157 requests is: tribe or clan, “all professional, social and charitable organizations to which you belong or contribute or with which you work,” participation in military conflict, details of any military service, “specialized skills or training, including firearms, explosive, nuclear, biological, or chemical experience? If YES, please explain.” Applicants are also asked to provide their full name in native alphabet, and all possible spellings of their full name (Department of State, 2002b). This additional form attempts to remedy the problem of differing spellings and transliterations of non-Western names.¹¹ By listing the organizations and communities with which the applicant is related, American consular authorities hope to connect their foreign intelligence to specific individuals. The function of the EBSVRA is to extend the discriminatory function of the border to American embassies abroad—thus controlling immigration and access to the American border from “up-stream.”

The delocalization of the border reflects in part the extension of international transportation grids and the necessity of the American government to perform border functions in airports, train stations, and other international Ports of Entry. It

¹⁰The Departments of State and Homeland Security have made MRPs mandatory for all VWP nationals, starting October 1, 2003.

¹¹The British Passport Office faced this same problem with the immigration and naturalization of colonial subjects whose original language was non-European. In response to this problem, the Passport Office used fingerprints to uniquely identify the bearers (Salter, 2003:94).

also represents an attempt by the American state to defer or extend the border security regime beyond the physical limits of the state. Flynn suggests a global extension of the inspection regime and argues that only America, as hegemon, could make it feasible (2000, 2003). Such a global inspection regime could not be applied easily to individuals, as it might be to goods or commodities, because of the asymmetrical enforcement and intelligence capabilities of sending states. While the economic power of the United States might make inspection standards for shipped goods possible, the United States has no equivalent diplomatic power to induce all countries to increase their own border and passport security architectures.

These three new policy directions attempt to make the document of the passport, the border examination, and the national population all more secure through a greater discrimination between and surveillance of “high-risk” travelers. We look at three corresponding international policies in order to evaluate the prospects of this new border security architecture.

Lessons from Abroad

The aim of the American government in reaction to the events of 9/11 is to balance the security of the nation with the movement of legitimate travelers. In this section, we examine three policy areas: cross-border control, accurate travel documents, and port of entry examinations. Each of these policy areas has been addressed by allies of America with mixed results. By examining the Schengen (the Schengen Acquis 1985, made part of European Union law in 1995 with the Amsterdam Treaty) system, the Canadian passport system, and the American examination of travelers, we see that none of these policies can guarantee security from terrorist attacks. Europe has increased its security apparatus in the face of Schengen. Canada has attempted to create a secure breeder-document system, which avoids fraud. America itself has attempted to reconfigure its examination procedures to better analyze the intention of travelers. In confining our examples to the recent past, we hope to illustrate the benefits and dangers of contemporary U.S. policy.

Justice and Security in Schengenland

The freedom of movement of goods and persons between European countries had been a priority since the Treaty of Rome, but it was not until countries could be assured of their security that open borders were made feasible. Schengen saw the displacement of European borders. Borders between Schengen countries were termed internal borders, while those between Schengen and non-Schengen countries were termed external borders. At internal borders, frontier formalities are lax. The removal of internal borders has led to a decentralization of the border's policing function. External borders of the Schengen area are policed assiduously. As Verstraete states, “So rather than simply having disappeared—as the European rhetoric goes—borders have multiplied: permeable ones for some, durable ones for others. Alternatively, the same borders have accredited at least two meanings, two functions” (2000:30). As part of the Schengen process, and the subsequent accession into European law, member governments expressed a great deal of concern about security, immigration, and asylum claims. The diffusion of the border from specific lines to general territories has led to a greater increase in police cooperation and integrated networks of intelligence/enforcement (Bigo, 1999). Bigo has characterized this development as part of the political movement that conflates internal and external security concerns (2001:110–111). For the purposes of this article, we will not fully analyze the impact of the Schengen Acquis on the European Union (EU), but rather indicate some of the lessons for America.

Security remains a primary concern of European states. Regional security is sought with two groups of mechanisms: internal and external. The internal border

functions in Schengenland are decentralized and diffuse. European countries rely on interagency cooperation and the integration of databases to provide the intelligence that allows good policing. Toward that end, in 1998 the European Union adopted the European Image Archiving System (FADO) to combat fake documents that uses a computerized image system to share images of fraudulent documents. Nearly two million blank EU passports have been reported stolen in recent years (Fuller, 2002), which has been identified as a security risk for America. The proposed Chimera system closely mirrors the FADO system. The document-bearing population must also be policed. Balibar has described this as a regime of “anti-citizenship,” wherein nationality, immigration, and asylum laws are coordinated (Balibar, 2002:78). Walters has written extensively and powerfully about the deportation complex (Walters, 2002a).

Externally, Schengen countries identify not simply borders as lines, but as frontier zones. Mirroring pre-Westphalian practices, the border-policing function of states with external Schengen borders must be strict—as the external border is a gateway to the whole of Schengenland. As such, border-zones (such as Bavaria and Greece) might stretch 200 km into a national territory (Grabbe, 2000). As Andreas argued with regard to the US–Mexico border, governments are increasingly using military tactics, personnel, and language to discuss the safeguarding of frontiers to Schengenland (Ceyha and Tsoukala, 2002:32).

We take the key insights of European scholars of the Schengen process to be: first, that freedom of movement for some has entailed a restriction of freedom for others, defined most often according to national scripts supported by statistics, sociology, and stereotypes; second, that the Schengen process has led to the portrayal of migration as a security issue (rather than primarily a social, economic, or ethical issue); and third, that the displacement of policing from the internal borders to the external borders of Schengenland have not decreased the degree of police but rather generalized the policing of the frontier-zones and POEs. The primary lesson for America seems to be that the increase in policing may not always be visible in the form of examination, but almost always increases in terms of surveillance (of which the American public is rightly suspicious).

U.S.–Canada: The Longest Undefended Border in the World

At different times since the 9/11 attacks, the U.S.–Canadian border has been variously represented as a leaky backdoor into America and as a necessary trade link. The process of delocalization had begun on the Canadian border before 9/11. The installation of border posts at Canadian airports meant that travelers to the United States passed through American customs in Vancouver, Toronto, and Ottawa airports before boarding the plane. This system was discontinued briefly after 9/11, but has since been reinstated. The “longest undefended border in the world” presents a problem to the INS and Border Patrol. A high number of low-risk travelers passes through the border regularly, leading to the implementation of the INSPASS and CANPASS programs. The American initiative, PORTPASS, encompasses a number of programs of which INSPASS and SENTRI are the most prominent. INSPASS allows frequent, “low-risk” travelers to forgo a face-to-face examination by a customs agent through a card reader at a number of airports. The SENTRI program allows frequent, “low-risk” motorists to register themselves and their vehicles, bypassing a face-to-face examination by a customs agent. The “Remote Video Inspection System” was instituted to enable a face-to-video examination of entrants at remote border posts. The Canadian equivalent of these programs, the CANPASS program, was instituted by the Canada Customs and Revenue to facilitate frequent “low-risk” travelers across the border. Following the trend to sample biometric information, “As part of the enrollment process [Canada Customs] will take your photograph, record a sample of your signature, your

fingerprint image, and your hand geometry” (Canada Customs and Revenue Agency, 2000). In many of these programs, an examination by a customs or INS agent is conducted remotely, either by video camera, telephone, or a drive-by examination. Application to these programs involves a small fee and an extensive background check of other records (criminal, customs, tax, divorce, and so on). This examination of other documents takes the place of the examination of the individual. The border is thus displaced in space—either away from the border or away from border agents. We see in post-9/11 that U.S. public and governmental opinion has shifted from viewing the U.S.–Canada border as “low risk” to one of “high risk.” To draw a parallel, whereas before 9/11 the American government was willing to treat the U.S.–Canada border as chiefly “internal,” to use Schengen terminology, the government is moving toward treating the border as “external” and a site of risk.

Despite the passport’s “high truth claims” (Anderson, 1994:323), identity is primarily verified against other ‘breeder’ documents. At present, the state issuing a passport certifies solely that the bearer is unique, and is not wanted for any current crime.¹² As argued above, the passport is authenticated in reference to other government documents. Applicants must present a birth certificate, naturalization certificate, or previous passport. Hence, at its root, the verification of identity is documentary, not visual. Identity is confirmed by so-called breeder documents. This section focuses on fraudulent applications, rather than the alteration of preexisting passports. Alterations are relatively easy to identify, whereas authentic but incorrect documents are notoriously difficult to detect. Terrorist groups, because of their lack of power-projection and military capabilities, often rely on passports for entry into the target country or onto their target vehicle. Brugiere argues that “for these groups, passports are as important as weapons” (quoted in Zill, 2002). In the usual passport application process, the applicant proves that he or she has documents that are identical to each other; it is the passport itself that links the documents to a face. If the individual has no documents (such as a driver’s license or governmental identification card) that certify their identity, they may call a witness. The weakness in these breeder documents can be seen in several recent cases. We focus on the case of Ahmed Ressam, the would-be Millennium bomber, because of his possible connections to Al-Qaeda.

Ahmed Ressam was caught at the Port Angeles border post in 1999 under examination by an INS official. In his rented car were materials for a large explosive, and a false Canadian passport. What makes passports vulnerable to falsification, particularly in developed bureaucratic states, is that “The American and Canadian passport system has a major problem because its ‘breeder’ document—the birth certificate—is such a weak document for certifying identity” (Zill, 2002). Ressam was able to procure a Canadian passport through “a fraudulent baptismal certificate from a Montreal church, photos forged with a Montreal doctor’s signature and a fabricated student card from the Université de Montréal” (Russo, 2001). Canada has since precluded baptismal certificates as valid documents to illustrate birth. Neither Canadian nor American birth certificates carry any biometric identification. While hospital records often contain a newborn’s footprints, these are not consulted in the passport issuance process.

In an effort to counter precisely this defect in the passport application process, in March 2002 the Canadian government amended the application to include corroborating identity documents. Applicants must now submit “supplementary documentation... issued by a federal, provincial, or municipal authority and include the bearer’s name and signature” (Passport Office, 2002:3). In addition to this documentation, the Passport Office also requires two references who will be contacted to confirm identity. Without a doubt, these additional checks help

¹²Within the developed world, passport officers also check child custody status to ensure that both parents and children are afforded their rights.

authenticate the identity of the bearer. However, the root insecurity remains that no institution can completely or perfectly identify someone without reference to documents or social scripts that can be checked.

States do, however, accept the issuance of false and incorrect passports when engaging in espionage. Americans were smuggled out of Iran on false Canadian passports during the hostage crisis. Canada recently discovered that Israel had been using its passports in order to insert agents into Jordan and Palestine. While publicly upset, the norm of state practice is to exchange “authentic” documents for a share of the intelligence gathered in their use (Schneider, 1997). There have also been reports of the American governments using so-called camouflage passports. Camouflage passports are fake documents that purport to be issued by countries that do not or no longer exist, such as British West Indies, Rhodesia, New Grenada, British Honduras, and so forth. Reports in the media suggest that these documents have been used by Americans (and American government employees) when traveling in dangerous areas, although this has not been officially confirmed.¹³ Thus, while false passports present a degree of danger to the passport official, they are also a staple of covert kinds of foreign policy.

American passports have had their security features increased since 9/11. However, there has been no change in the bureaucratic procedure of verifying the identity of the passport applicant. Another pressing problem is posed by terrorists who have legitimate travel documents. Abdullah Al Muhajir and Richard Reid had authentic and correct passports. The passport is simply a document with “high truth claims” that represents other insecure documents. While the passport may provide a unique identifier and provide some kind of isomorphism between different government documents, it cannot guarantee intentions. The intention of the traveler is thus examined at the border, which we examine below.

Examination: Purpose of Visit?

The final line of defense against foreign terrorists comes from the border examination. The pilots of the two planes that crashed into the World Trade Center towers on September 11 received visas for their flight training nearly six months after the attacks, which prompted the Office of the Inspector General (OIG) to investigate. On their entry to the United States, Mohamed Atta and Marwan Alshahhi were each subject to an extensive secondary inspection, and each was admitted *despite having incorrect visas*. The pair had valid visitor visas, and had applied for a change in status to students. Inspectors from the INS revealed that they did all they could to admit students, who were considered a low-risk category.¹⁴ Despite having violated INS regulations by leaving the country while their change of status application was in process, Atta and Alshahhi were issued visas valid until November 2001. Richard Reid, the Englishman who had explosives in his running shoe, had the correct documentation. He was detained in Paris by French officials, and was the subject of a lengthy cross-examination, but was finally allowed to board the plane. Initial press reports incorrectly indicated that Reid was using a false passport—precisely because Britain was not viewed as a state that supported (or perhaps spawned) terrorists. His valid and correct passport could not identify him as a terrorist.

The final security barrier is the actual examination of the traveler at the U.S. border. Examinations are divided into primary and secondary: the function of the primary examination is to determine whether a visitor is low or high risk. This

¹³A 1997 report offers, “If the passports are not used to break U.S. laws, the spokeswoman said, the State Department considers them simply without value. Not illegal” (Kolker, 1997). Accessed online at <http://www.geocities.com/oldcrazyatheist/0919fake.html>.

¹⁴Again, the bureaucratic decision is framed in terms of risk, rather than desirability (Gilbo, 1995).

involves a physical examination of the passport document, the reading of the passport number (machine-readable passports are scanned and compared to a central database), and a preliminary oral questioning of the traveler's purpose of visit. The average primary inspection ranges between 30 and 45 seconds (Gilboy, 1991:578). If any of these preliminary investigations prompts suspicion, then INS agents are encouraged to send the visitor to secondary examination. Secondary inspection includes a much wider comparison of passport details to a number of different law enforcement databases, a longer personal interview, and an extensive review of the travelers' documentation (Office of the Inspector General, 2002:35).

The Office of the Inspector General (OIG) report on the 9/11 pilots confirmed that "[f]rom the evidence, however, it appears that these inspectors did not admit Atta and Alshahhi in violation of INS policies and practices in light of the information available to the inspectors at the time of these admissions" (Office of the Inspector General, 2002:56). The report concluded that the ultimate failure of the INS examination system lay in the predisposition of inspectors to treat students as "low-risk" travelers. Confessore points out that the same loophole had been used in the first World Trade Center bombing in 1993, but a student visa-control system had been waylaid in Congress (2002:5).

Richard Reid attempted to blow up a United Airlines Paris–Miami flight in December 2001. Reid is not charged with using a false passport because his passport was authentic, as was the nationality and identity he declared. Despite the fact that his passport did indeed raise warning flags, and despite the fact that he was interrogated by French officials anxious about terrorism, his unflappable demeanor let him through security not once but twice. Policymakers have responded to this bald indictment of the security profiling system by adding a new risk category to the system "to take into account British Muslims of this militant stripe" (Chaddock and Kiefer, 2001:1). Again, the failure of the examination system was seen to be the predisposition to treat British Muslims as low-risk travelers—even though Reid in particular was treated as a high-risk traveler and interrogated several times by French officials.

In each of these cases we see that examination cannot determine intentions. At least eleven of the terrorists who perpetrated the September 11 attacks were flagged by security or airport screen systems (Eggen, 2002). However, even extensive questioning did not prevent Reid or the two 9/11 pilots from being identified as terrorists. The response of the bureaucracies to these failures has been to increase the populations that are subject to intense scrutiny. We are convinced by Bigo's description of the impact of these surveillance technologies and bureaucratic classifications by which "day-to-day living is securitized" (2001:100). The response of border agencies has been to extend the populations that are considered high-risk, even though at its roots the examination regime cannot guarantee security.

Home Truths

Borders are permeable, even when the full capabilities of a national security state are applied on the control of movement of persons. Passports can be authenticated, but only to the degree that they rely on other identity documents. Border examinations cannot detect intentions, but rely on policies and practices that are formulated in terms of low- and high-risk populations. The weaknesses of the U.S. border security regime stem in part from the radical power of the terrorist. A terrorist's advantage stems from his or her willingness both to kill and to die for the cause—and such devotion cannot be detected or deterred by any of the governmental means above. As recent attacks in America, Israel, and Russia have illustrated, the use of nonstate violence against civilians is nearly impossible to prevent. The question thus becomes, what kind of policies may be implemented to minimize the insecurity of borders? In the European case, as we have seen above, a scholarly and public debate has been spawned that evaluates the price of the

freedom of mobility—or more precisely, who pays the cost of freedom for the mobility of others. This is a question that the American public has begun to ask, with little comprehensive response from the Bush administration.

Conclusions: Policing the Mobile Population

As we have indicated, border control, breeder documents, and examinations are insufficient means of providing complete security. This leads us to ask two related questions: What policies can the United States implement to increase security? and, What level of insecurity are Americans willing to accept? We set out three important areas of policy innovation that speak to the specific failures of the 9/11 cascade failure: interagency cooperation, border formalities, and identification technologies.

In sum, the failure of the U.S. border security regime cannot be solved by actions at the borders themselves (Flynn, 2002, 2003). The 9/11 failure is a failure of intelligence more than the border regime. However, the only way to increase intelligence is the restriction of freedom. The recent investigation into the intelligence failures of 9/11 is indicative of the dilemma, how much freedom are Americans willing to give up in order to gain a degree of security?

Whither the Passport?

As a technology, the passport is constrained by three chief weaknesses. First, the passport may only identify the individual according to other documents, and may be forged. Second, the passport never guarantees the intentions of the bearer. Third, the global mobility regime is not uniform—every state has slightly different intelligence capacities and conflicting foreign policies. In many ways, the American border security complex is held hostage to the least sophisticated travel document. Because there is no international organization, no formal international regime, and only an implicit consensus on passport and border formalities, it is incumbent on the United States to start a multilateral effort to standardize the form of the international passport.

Shortly after 9/11, Oracle's Larry Ellison suggested the creation of a national identity card, by which all Americans could be uniquely identified. Proponents of a national ID card system argue that the biometric and "smart chip" technology makes it possible that such cards could uniquely identify every citizen. Ellison argues that the chief barrier to the promulgation of this system had been technological. Once technology could provide adequate encryption, he contends, privacy concerns can be assuaged. However, a number of scholars are skeptical that information gathered by the government is always used by the government in a way that safeguards rights. The increased surveillance of the national population leads to a larger bureaucratic apparatus that then seeks its own expansion. There is a great deal of opposition to an American national identification, although such systems are widely used in Europe. It remains doubtful that the American public would accept the kind of physical markers of identity that these cards represent. This is not to say that the American public is wary of surveillance, only that the surveillance must be carried out less visibly. At present, only visibly suspect immigrants are tracked and registered through the US-VISIT Program, but the program will be rolled out to encompass all travelers by 2004. The proposed Driver's License Modernization Act of 2002 (DLA) would harmonize the form and security features of all state drivers' licenses (House Resolution 4633). Furthermore, the DLA proposes the inclusion of biometric identifiers and the creation of databases. The question is not whether such a system will be successful, but rather what kind of society this creates. Commentators have suggested that the DLA is incompatible with a free society, and that the TIPS system replicates the informer dynamic found in Communist East Germany. While technological improvements

may make governmental systems of control more complete, and perhaps more secure as archives, there is little evidence to suggest that a universal document regime—be it smart or otherwise—would increase the security of the American populace.

As Richard Ried and Jose Padilla illustrate, guilt is not written on the skin or in the passport. Passports may only signify that the individual is identical to other documents and certain physical characteristics. Tightening passport security measures simply shift the target of fraud from passports toward birth certificates and driver's licenses. The chief flaw of any examination system is of course intentionality. None of the terrorists self-disclosed their violent aims, and the truth or falsity of their documents had no bearing on this crucial fact. While many American citizens have accepted tighter border and airport controls, it is not clear that they will accept national identity cards or internal travel controls.¹⁵

Who Goes There?

We argue that there is no way that the face-to-face examination of travelers can be made more rigorous, especially given the bureaucratic and de facto challenges of 500 million crossings per year. Travelers may always hide their intentions from agents of the state, and the practical demands made on border agents make an exhaustive examination regime impossible. The response of the Bush administration has been to shift the emphasis from examination at the border (and to change the predisposition of border guards from admission to exclusion in some cases) toward surveillance up- and downstream. Examination of travelers now takes place in the sending country, at the border, and at intervals after the traveler has entered the United States. Since the intentions of individual travelers remain opaque to the gaze of the state agent, to supplement sketchy and unreliable intelligence-gathering, American border institutions rely on heuristics to preempt the admission of certain populations or groups. Rather than focus on Timothy McVeigh, John Allen Muhammad, or Theodore Kaczynski,¹⁶ the Bush administration has identified certain nationals (Saudi Arabia, Libyan, Iraqi, Iranian, Yemeni, and so on) that are suspect. The administration has also widened the discretionary power of customs and border agents to enforce the surveillance mechanism of fingerprinting and photographing any "suspicious" travelers. As Safire argues, this will not increase the palpable security of the American state, but will certainly infringe on the civil liberties of Americans (2002).

A Chimera?

The recent passage of the Homeland Security Act has drastically changed the landscape of police cooperation in America. We must wait to analyze how the proposed agencies manage the coordination of activity and intelligence. At this juncture, it is useful to examine how Europe manages its police cooperation in light of the Schengen Acquis, by which all internal international borders were (effectively) dissolved in 1995. To secure police cooperation, the European Union has introduced the Schengen Information System (SIS) that allows border guards and police to access a common database regarding transborder crime and asylum claims. There are many lessons to be learned from the successes and failures of police cooperation in Europe in terms of coordination and legal framework (den Boer, 2002). The integration of databases has the effect of widening police powers.

¹⁵We might also point to the failure of the Soviet Union to completely control the movement of population within its own borders using the passport system.

¹⁶All American citizens who have perpetrated terrorists acts on American soil: the bombing of the federal building in Oklahoma City, the 'Unabomber' committed a 17-year bombing campaign, and the Washington area sniper.

For example, the consolidation of the INS's IDENT database and the FBI's Integrated Automated Fingerprint Information System (IAFIS) has led to "the identification and apprehension of over 1,600 individuals wanted for felony crimes" (Bohlinger, 2002:3). When we couple the extension of police powers, the integration of databases, and the issuance of identity cards, we see the prospect of a national surveillance state, in which all citizens are suspect and insecurity becomes a way of life instead of an extraordinary condition.

Living in the Insecurity State

In many ways, the logic of deterrence has come home to roost. Americans live with daily danger forecasts, suffer through extensive airport security checks, and have come to accept a much greater degree of surveillance in their daily lives. The American government must come to balance their concern for national security and a responsibility for preserving civil liberties and human rights. From a certain perspective, the 9/11 terrorists have achieved their goal,¹⁷ if only in inciting the Bush administration to impose the type of regime that undercuts America's rightful boasting of its civil liberties. Questions of future development of surveillance and police technologies must be raised in public so that the American populace can decide the degree to which they feel their freedoms might be infringed on to increase their security. These are questions that Israel, the Northern Irish, and the Spanish have all answered in ways that provoke some serious issues in our minds.

The special advantage with which the 9/11 terrorists countered the overwhelming power of the American national security state was their self-sacrifice. This willingness to die stands as a radical form of power that may evade all forms of state control. The only credible way that such determined attackers can be deterred is to undermine the legitimacy of their actions, by removing the deep structural causes. This involves a rethinking of American foreign policy. The attempts of the Bush administration to solve the problem of leaky borders represent a very elaborate shutting of the door after the horse has escaped. Frightening the American populace cannot stop future terrorist attacks or dissuade terrorists from coming to America. Without a multilateral international instrument to set standards and coordinate visa and passport policies, America will always be hostage to the passport, the most easily forged, unsupported, and thin travel document.

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¹⁷Osama bin Laden, February 5, 2002. "The events of Tuesday, September the 11th, in New York and Washington are great on all levels. Their repercussions are not over. Although the collapse of the twin towers is huge, but the events that followed, and I'm not just talking about the economic repercussions, those are continuing, the events that followed are dangerous and more enormous than the collapse of the towers. The values of this Western civilization under the leadership of America have been destroyed. Those awesome symbolic towers that speak of liberty, human rights, and humanity have been destroyed. They have gone up in smoke. The proof came when the U.S. government pressured the media not to run our statements that are not longer than very few minutes. I tell you freedom and human rights in America are doomed. The U.S. government will lead the American people and the West in general will enter an unbearable hell and a choking life because the Western leadership acts under the Zionist lobby's influence for the purpose of serving Israel, which kills our sons unlawfully in order for them to remain in their leadership positions." "Transcript of bin Laden's October Interview" February 5, 2002. Accessed at: <http://edition.cnn.com/2002/WORLD/asiapcf/south/02/05/binladen.transcript/>

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